

## **NEWS RELEASE**

*Contact: Liz Brocker  
(701) 328-2213*

August 10, 2015

### **STENEHJEM ASKS COURT FOR PRELIMINARY INJUNCTION IN WOTUS CASE**

BISMARCK, ND – Attorney General Wayne Stenehjem and 12 other states have asked Federal District Court Judge Ralph Erickson in Fargo for a Preliminary Injunction to delay the effective date of the Environmental Protection Agency and Army Corps of Engineers “Waters of the United States” Rule. The rule is set to go into effect on August 28, 2015.

“The rule is perhaps the most controversial and widely objectionable rule that would usurp state and local control over vast reaches of water in North Dakota and across the nation,” said Stenehjem. “It is an unnecessary and unlawful power grab by the federal government that will do nothing to increase water quality in North Dakota. It will only burden landowners, ranchers and farmers,” he continued.

The States are seeking an injunction to maintain the status quo while the courts have the opportunity to address the serious legal failings of the WOTUS Rule. This is particularly appropriate because, as even the Corps’ own staff has noted in memos released to Congress last week, the Rule is “not likely to survive judicial review in federal courts.”

The States are entitled to an injunction because implementation of the Rule will cause immediate and irreparable harm and deprive the States of the opportunity to present the merits of their case prior to this unprecedented jurisdictional over-reach taking effect. “We cannot stand by as North Dakota’s sovereign interests to regulate land and water use are undermined,” said Stenehjem.

The states have asked the court to schedule a hearing before the rule takes effect.

###